

CAUSE NO. D-1-GN-26-000711

COMMUNITY CAPITAL PARTNERS LP; AND	§	IN THE DISTRICT COURT OF
EPIC REAL PROPERTIES, INC.	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
TEXAS WORKFORCE COMMISSION ET AL	§	
<i>Defendants.</i>	§	201ST JUDICIAL DISTRICT

NOTICE TO THE COURT

TO THE HONORABLE JUDGE OF SAID COURT:

Counsel write this letter to alert the Court that the March 10, 2026 offering of an amended answer was returned by the Clerk of the Court on March 11, 2026, as counsel did not pay the filing fee associated with filing a counterclaim.¹ The District Court's email is attached as Exhibit 1.² Further, due to a communication oversight, the document was submitted by counsel prior to being shown to Defendants and thus without satisfying the Defendants' standard notice, review, and approval process.

Counsel understand that there is an opportunity to resubmit the amended answer pursuant to Texas Rule of Civil Procedure 21(f)(11) and have explained this option to Defendants. However, to minimize confusion, remain within the scope of representation requested by Defendants, abide by the clients' decisions concerning that representation, and promote judicial economy, counsel will not cure the Clerk's rejection.

¹ "The filing is not completed until the fee is paid, and absent emergency or other rare circumstances, the court should not consider it before then." *Jamar v. Patterson*, 868 S.W.2d 318, 319 n.3 (Tex. 1993).

² While the Clerk's email lists the "Return Reason" as "Filer's Request," the "Return Comments" clearly identify the failure to pay the filing fee: "If this is intended to be filed as a counterclaim, please attach the \$80.00 filing fee for the Cross-Claim and resubmit the document. . . . Please note your original file date, time and envelope number if this filing is resubmitted within 3 days of rejection."

Counsel raise this issue by letter to promptly alert the Court and to avoid any prejudice to the Plaintiffs that might be caused by delay. First, the transmission of the filing fee was not completed due to a misunderstanding of filing fee requirements associated with pleadings seeking affirmative relief. Second, the document's submission was premature given that the prospect of submitting a counterclaim was never discussed with Defendants, and the submission was not shown to Defendants beforehand and not subjected to the Defendants' internal review and approval processes. Finally, in that same filing, counsel continued to assert sovereign immunity and other defenses, and merely raised the potential of a counterclaim in the alternative, should the Court find against Defendants on those primary defenses. These facts support that Defendants did not intend to proceed with a counterclaim at this time.

Date: March 27, 2026

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Attorney General

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

RYAN D. WALTERS
Deputy Attorney General for Legal Strategy

RYAN G. KERCHER
Chief, Special Litigation Division

Respectfully submitted.

/s/ Zachary Berg
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COUNSEL FOR DEFENDANTS

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Defendants' Original Answer of Texas Workforce Commission; Randy Townsend Executive Director of The Texas Workforce Commission; Bryan Snoddy Director of The Texas Workforce Commission Civil Rights Division, has been served, on March 27, 2026, on the following attorney-in-charge, by e-service and/or e-mail:

Eric A. Hudson
State Bar No. 24059977
Cole P. Wilson
State Bar No. 24122856
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/s/ Zachary Berg
Zachary Berg
Special Counsel

From: no-reply@efilingmail.tylertech.cloud
To: [Jessica Yvarra](#)
Subject: Notification of Returned Service for Case: D-1-GN-26-000711, COMMUNITY CAPITAL PARTNERS LP,EPIC REAL PROPERTIES, INC. VS. TEXAS WORKFORCE COMMISSION ,RANDY TOWNSEND EXECUTIVE DIRECTOR OF THE TEXAS WORKFORCE COMMISSION ,BRYAN SNODDY DIRECTOR OF THE TEX...
Date: Wednesday, March 11, 2026 4:39:16 PM

Filing Returned

Case Number: D-1-GN-26-000711
Case Style: COMMUNITY CAPITAL PARTNERS LP,EPIC REAL PROPERTIES, INC. VS. TEXAS WORKFORCE COMMISSION ,RANDY TOWNSEND EXECUTIVE DIRECTOR OF THE TEXAS WORKFORCE COMMISSION ,BRYAN SNODDY DIRECTOR OF THE TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION



The filing below, previously served to you, has been returned to the filer for further action.

Return Reason(s) from Clerk's Office	
Returned Reason	Filer's Request
Return Comments	If this is intended to be filed as a counterclaim, please attach the \$80.00 filing fee for the Cross-Claim and resubmit the document. Thank you, Victoria Benavides . Please note your original file date ,time and envelope number if this filing is resubmitted within 3 days of rejection. 512-854-5880.

Document Details	
Court	Travis County - District Clerk Civil/Family
Case Number	D-1-GN-26-000711
Case Style	COMMUNITY CAPITAL PARTNERS LP,EPIC REAL PROPERTIES, INC. VS. TEXAS WORKFORCE COMMISSION ,RANDY TOWNSEND EXECUTIVE DIRECTOR OF THE TEXAS WORKFORCE COMMISSION ,BRYAN SNODDY DIRECTOR OF THE

	TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION
Date/Time Submitted	3/10/2026 11:05 AM CST
Activity Requested	Amended Filing
Filed By	Zachary Berg

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Texas Workforce Commission

A Member of Texas Workforce Solutions

Joe Esparza, Chairman
Commissioner Representing
Employers

Alberto Treviño, III
Commissioner Representing
Labor

Brent Connett
Commissioner Representing
the Public

Steve Pier
Executive Director

March 27, 2026

VIA E-Mail: 455.Submission@traviscountytexas.gov
districtclerkhelp@traviscountytexas.gov

The Honorable Laurie Eiserloh
445th District Court
The Honorable Velva L. Price
Travis County District Clerk
Civil Family Court Facility
1700 Guadalupe Street
Austin, Texas 78701

Re: Cause No. D-1-GN-26-000711; Community Capital Partners, LP, et al. v. Texas Workforce Commission, et al.; In the 201st Judicial District Court, Travis County, Texas

The Honorable Laurie Eiserloh:

As General Counsel of the Texas Workforce Commission, I write on behalf of the Texas Workforce Commission, Randy Townsend, in his official capacity as Executive Director of the Texas Workforce Commission, and Bryan Snoddy, in his official capacity only as Director of the Texas Workforce Commission Civil Rights Division (“Defendants”), to clarify for the record Defendants’ position regarding the purported pleading titled “Defendants’ First Amended Answer and, in the Alternative, Counterclaim” that was tendered for filing by counsel at the Office of the Attorney General (“OAG”) on March 10, 2026.

Defendants were not consulted prior to the pleading being tendered for filing, nor did Defendants review or approve it. The decision to include a counterclaim was made by counsel alone without the knowledge, direction, or approval of Defendants. It therefore was not subjected to the standard notice, review, and approval process before TWC seeks affirmative relief. As the clients in this matter, Defendants are entitled to direct the overall legal objectives and methods of this representation, and they neither agreed to nor authorized pursuing this counterclaim.

Defendants have since been made aware that the pleading was rejected by the Travis County District Clerk’s Office. Consequently, the amended answer and counterclaim is not a live pleading before this Court. While the counterclaim was submitted without authorization, Defendants continue to stand by the jurisdictional arguments presented in their Plea to the Jurisdiction filed on February 18, 2026, and maintain that the Court should dismiss this action based on those arguments.

Respectfully submitted,



Les Trobman
General Counsel, Texas Workforce Commission

cc: All Counsel of Record via E-service

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Zachary Berg on behalf of Zachary Berg
Bar No. 24107706
zachary.berg@oag.texas.gov
Envelope ID: 112969781
Filing Code Description: Notice
Filing Description: NOTICE TO THE COURT
Status as of 4/1/2026 11:33 AM CST

Associated Case Party: TEXAS WORKFORCE COMMISSION

Name	BarNumber	Email	TimestampSubmitted	Status
Zachary W.Berg		Zachary.Berg@oag.texas.gov	3/27/2026 2:55:42 PM	SENT
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Case Contacts

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